



THOMAS J. MILLER  
ATTORNEY GENERAL

**Department of Justice**  
October 17, 2008

ADDRESS REPLY TO:  
HOOVER BUILDING  
DES MOINES, IOWA 50319  
TELEPHONE: 515/281-5164  
FACSIMILE: 515/281-4209

The Honorable Chester Culver  
Governor, State of Iowa

The Honorable Patrick Murphy  
Speaker of the House

The Honorable Kevin M. McCarthy  
House Majority Leader

The Honorable Christopher C. Rants  
House Minority Leader

The Honorable Jo Oldson  
State Representative

The Honorable J. Scott Raecker  
State Representative

The Honorable Todd Taylor  
State Representative

The Honorable Steven F. Lukan  
State Representative

The Honorable John P. Kibbie  
Senate President

The Honorable Michael E. Gronstal  
Senate Majority Leader

The Honorable Ron Wieck  
Senate Minority Leader

The Honorable Robert E. Dvorsky  
State Senator

The Honorable Steve Kettering  
State Senator

The Honorable Tom Hancock  
State Senator

The Honorable Paul McKinley  
State Senator

Dear Governor Culver and Legislative Leaders:

I am writing to you concerning the urgent need for additional state resources for crime victim assistance in Iowa.

**Types of Crime Victim Assistance**

My office, through the Crime Victim Assistance Division ("CVAD"), provides two types of assistance to victims of crime:

(1) Crime Victim Compensation. The Legislature established a Crime Victim Compensation Fund ("Fund"). The Fund is comprised of criminal fines and penalties, including federal criminal fines provided to the state through grants. Victims of violent crime are eligible for several types of benefits related to the crime, including medical expenses, counseling expenses, funeral expenses, and lost wages. A depiction of the in-flow and out-flow of money from the Fund is found in Attachment 1.

(2) Grants to Victim Service Providers. CVAD also administers the Victim Services Grant Program which is funded with state funds combined with three federal grants. The funds support 91 local victim service programs. The state portion of the funds are directed to 27 domestic violence programs and 27 rape crisis programs throughout the state. In all but three communities, the rape crisis and domestic violence programs are combined under one agency. A depiction of the in-flow and out-flow of the money in the Victim Services Grant Program of the CVAD is found in Attachment 2. Also, a map of the location of the programs is found in Attachment 3.

### **History of Funding of Crime Victim Assistance**

Before turning to the current need for additional resources, it is useful to review a history of how victim assistance has been funded in the past. (The numbers discussed here are included on spreadsheets found in Attachments 4 and 5.)

Prior to FY 2003. Prior to FY03, there was a separate budget line item for victim service grants. The Attorney General's Office ("Office") routinely requested increases in the amount of money appropriated to the programs. For several years, including FY02, the line item was about \$1,800,000.

Additionally, for many years, the Office annually transferred money from the Fund to be used for victim service grants. For several years, this transfer was \$250,000. In FY02, the transfer was \$712,319. (The Office is authorized to transfer money from the Fund to grants under Iowa Code section 915.94.)

FY03 - FY04. Beginning with FY03, the Legislature combined all of the budget line items of the Office into one single line item. The line item for victim service grants was eliminated. In order to keep victim service programs operating, the Office used its authority to transfer \$2,185,065 from the Fund to grants. This resulted in an approximately 15% cut from the amount appropriated and transferred to grants in FY02. The Fund balance at the end of FY03 was \$4,232,750.

In FY04, the Office transferred \$2,251,273 from the Fund to grants. The Fund balance at the end of FY04 was \$3,724,727.

FY05. For FY05, the Office requested that the Legislature reinstate a line item for victim service grants and fund the line item appropriately. In materials submitted to the Legislature, the Office stated that "[t]he reserve of the Crime Victim Compensation Fund cannot be the sole source of state funds to domestic and sexual abuse programs indefinitely." The Legislature did reinstate a line item of \$5,000 for victim service grants.

In FY05, the Office transferred \$2,273,009 from the Fund to grants. The Fund balance at the end of FY05 was \$3,844,358.

FY06. In FY06, the Legislature did not increase the appropriation for grants, but instead mandated that the Office transfer \$2,450,000 from the Fund to grants. The Fund balance at the end of FY06 was \$3,804,040

FY07. For FY07, the Office presented information to the Legislature about the great need for increased state support for domestic violence shelters and rape crisis centers. The Office asked the Legislature to increase the line item for grants from \$5,000 to \$205,000.

In response, the Legislature did not increase the appropriation for grants, but instead mandated that the Office transfer \$3,200,000 from the Fund to grants. The Fund balance at the end of FY07 was \$3,463,157.

FY08. For FY08, the Office asked the Legislature to increase payment limitations on crime victim benefits payable from the Fund. Benefit limitations had not been raised for many years and benefits, such as allowable medical expenses were not keeping pace with costs incurred by victims. The Office estimated that the state cost of the expanded benefits would be about \$400,000. To fund this proposal, the Office asked the Legislature to increase the appropriation for victim service grants from \$5,000 to \$1,000,000. Correspondingly, the Office asked that the mandatory transfer from the Fund to grants be reduced from \$3,200,000 to \$2,450,000. (The Office argued that with increases in benefit limitations, the resources of the Fund would be severely strained.)

In response, the Legislature did increase benefit limitations. It also increased the line item for victim grants to \$150,000. However, the Legislature did not reduce the requirement that the Office transfer \$3,200,000 from the Fund to grants. The Fund balance at the end of FY08 was only \$1,538,095.

FY09. In my presentation to the Joint Justice Systems Appropriations Subcommittee concerning FY09, I made it clear that, during FY09, the Office could face serious cash-flow problems in making timely payments of victim compensation claims from the Fund. I also made it clear that the Legislature would likely need to appropriate a sizable amount of money to grants in FY10 so transfers from the Fund could be reduced and the solvency of the Fund could be maintained.

In response, the Legislature again mandated that the Office transfer \$3,200,000 from the Fund to grants. The Legislature also moved \$850,000 from the Office's Forfeited Property Fund to victim service grants. This transfer was intended to back-fill for cuts in federal grants for domestic violence shelters and rape crisis centers. Furthermore, in the Office's FY09 appropriation bill, the Legislature included a statement that it intended to appropriate \$1,000,000 from the state general fund for victim grants during FY10.

#### **Status of FY09 Funding**

As predicted for FY09, the Office will face serious cash flow issues with the Fund. The cash flow problem is particularly acute because the primary federal grant to the Fund (projected to be \$2,900,000 in FY09) is typically not received by the Office until very late in the fiscal year.

The Office has two mandatory obligations to pay in a prompt manner from the Fund: (a) administrative costs of its Crime Victim Assistance Division and (b) grants to victim assistance programs pursuant to grant agreements and as mandated by the Legislature. Crime victim compensation is not mandatory and, under Iowa law, can be delayed, reduced, or not paid at all. See Iowa Code § 915.88. The Office could delay, reduce, or not pay crime victim compensation in FY09. We feel this approach would unfairly punish crime victims and should be avoided, if at all possible. We will make every attempt to use available resources to pay victim compensation in a timely manner in FY09.

#### **Projections for FY10 Funding**

In FY10, we estimate that money available in the Fund will be about \$2,000,000 less than is necessary to pay victim benefits on a status-quo basis. (See figures for FY10 in Attachment 4.) In other words, unless action is taken, the Fund will be completely depleted at the end of FY10 and about \$2,000,000 in victim claims would go unpaid in FY10. Moreover, the cash flow problem discussed above for FY09 will be in play in FY10, as well.

The Office will try to accrue savings for the Fund, where possible. We will attempt to cut administrative costs, including travel.

The Honorable Chester Culver  
Legislative Leadership  
October 17, 2008  
Page 5

However, it is obvious that the Fund can no longer support both types of crime victim assistance, compensation and grants, at current levels unless the Legislature dedicates more resources in this area.

In the FY10 budget request that we submitted to the Legislature, we have two proposals for increased spending, in the following order of priority:

- (1) We ask the Legislature to appropriate **\$3,200,000** to victim assistance grants. Correspondingly, we ask the Legislature to remove language requiring the Office to transfer \$3,200,000 from the Fund to grants. This request would put the Fund on a more solid footing and would permit the Office to pay victims their full benefits on a prompt basis.
- (2) We ask the Legislature to appropriate an additional **\$850,000** to victim service grants to replace the \$850,000 moved from the Office's Forfeited Property Fund to grants in FY09. The reductions in federal grant money have not been restored and the Office's Forfeited Property Fund is much diminished and is being dedicated to other law enforcement purposes.

### Conclusion

Victims of violent crime suffer enormous pain and loss. For decades, the State of Iowa has been committed to offering aid to ameliorate the harm and hardship done to these individuals. The time has come for the State of Iowa to renew this commitment.

We respectively ask the Legislature and the Governor to dedicate necessary resources to crime victim assistance so we can continue to treat crime victims with the compassion, dignity, and support which they deserve.

Thank you for your consideration of this request.

Sincerely yours,



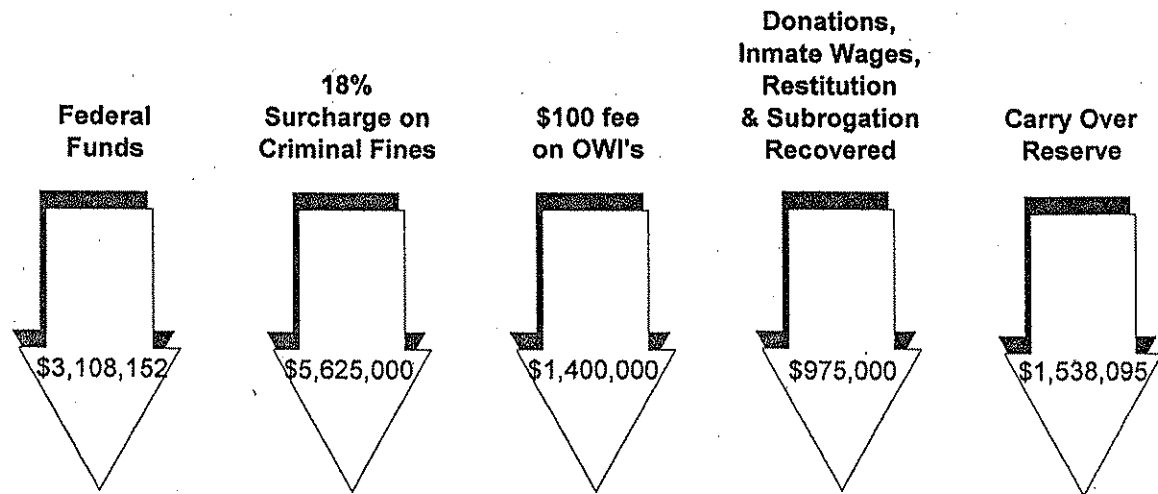
Tom Miller  
Iowa Attorney General

### Attachments

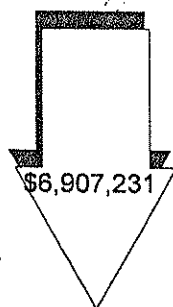
cc: Charlie Krogmeier  
Dick Oshlo  
Beth Lenstra

**VICTIM COMPENSATION**

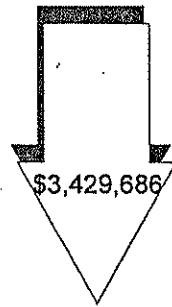
**Attorney General's Office  
Projected FY 2009**



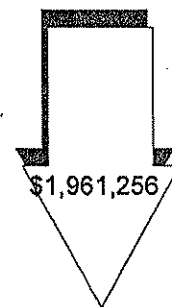
**Victim Compensation Fund  
\$12,646,247**



**Eligible  
Victims**



**Victim  
Service  
Grants**



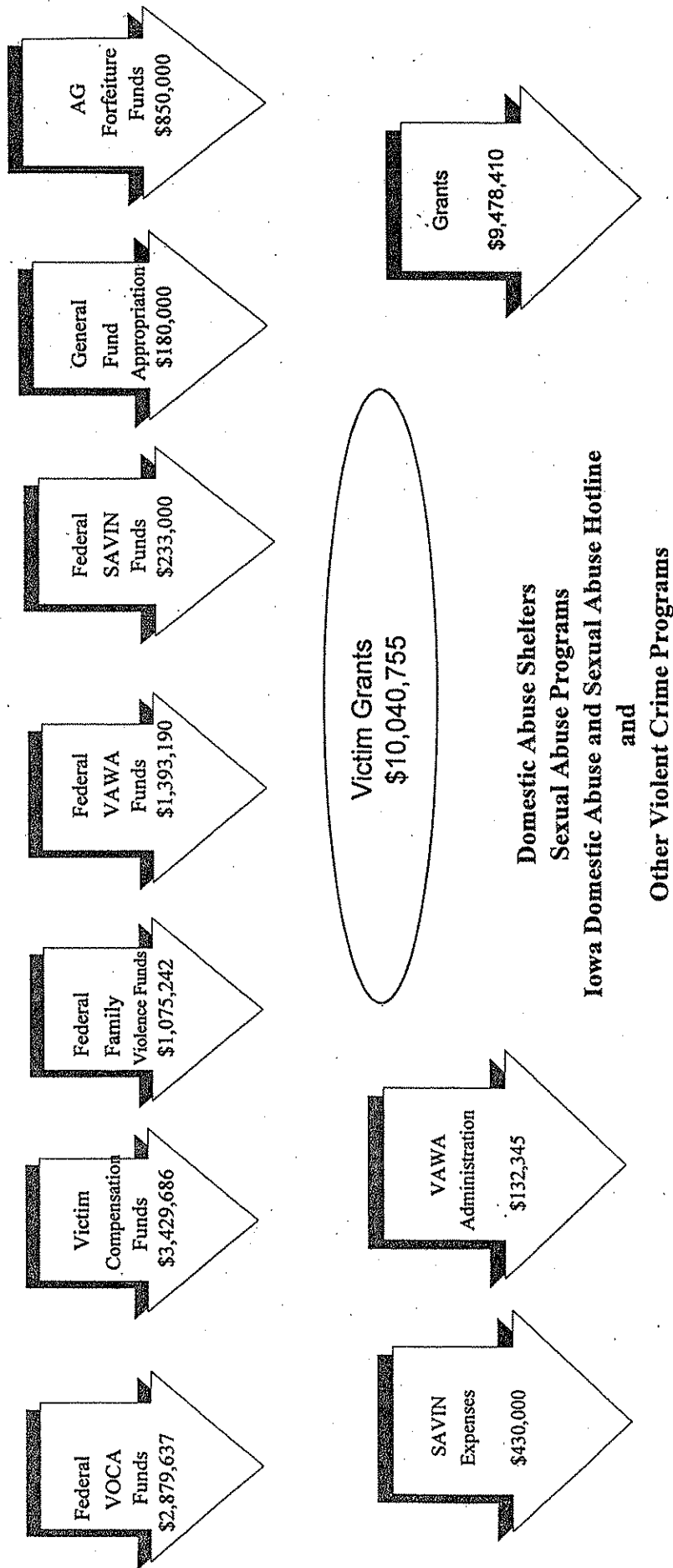
**Crime Victim  
Assistance Division  
Operations**

**Total Expenses from Fund  
\$12,298,173**

**Reserve  
\$348,074**

## VICTIM GRANTS

Attorney General's Office  
Projected FY 2009



[illegible]
**Shelter Facility**

**Homicide Program (4)**

**I**n the past, the most common way to find out if a person was a member of a particular group was to ask them directly. But now, with the rise of social media, there are many ways to find out if someone is a member of a group without asking them directly. One way is to look at their social media profiles. If someone is a member of a group, they will often post photos and videos of themselves with other members of the group. Another way is to look at the people who are friends with someone. If someone is a member of a group, they will often have friends who are also members of the group. Finally, there are many websites and apps that allow you to search for people who are members of a particular group. These websites and apps use a variety of methods to find out if someone is a member of a group, including looking at their social media profiles, looking at the people who are friends with someone, and using other methods.



## Victim Compensation Fund

Resources	Actual FY 2003	Actual FY 2004	Actual FY 2005	Actual FY2006	Actual FY2007	Actual FY2008	Budget FY2009	Budget FY2010
OWI Fines	\$ 1,666,902	\$ 1,527,500	\$ 1,477,452	\$ 1,436,235	\$ 1,465,000	\$ 1,396,283	\$ 1,400,000	\$ 1,400,000
Criminal Surcharge	4,230,361	4,750,493	5,368,987	5,473,465	5,658,035	5,621,363	5,625,000	5,625,000
Restitution	438,857	472,210	550,848	642,898	598,803	640,707	650,000	650,000
Inmate Wages	58,229	74,164	82,668	100,865	107,451	122,450	125,000	125,000
Donation	0	0	0	0	0	0	0	0
Subrogation	78,833	92,433	131,633	179,041	160,027	198,567	200,000	200,000
VOCA Compensation	1,560,000	1,238,000	1,843,000	2,241,000	2,359,000	1,845,000	2,900,000	2,100,000
Transfer Comp. Admin.	0	0	0	0	0	0	0	0
VOCA Admin./Training	429,767	198,900	205,445	226,669	207,850	194,308	151,560	165,000
Federal FVPSA Admin.	114,292	58,753	58,099	57,920	57,465	57,337	56,592	56,500
Congressional Earmark				13,923	0	0	0	0
VAWA Admin			31,814	0	0	0	0	0
Carryover	4,366,235	4,232,750	3,724,727	3,844,357	3,804,041	3,463,157	1,538,095	348,074
Carryover Adjustment		2,250	4,195	1,111	2,118	1,535	0	0
<b>Total</b>	<b>\$ 12,943,476</b>	<b>\$ 12,647,454</b>	<b>\$ 13,478,869</b>	<b>\$ 14,217,484</b>	<b>\$ 14,419,791</b>	<b>\$ 13,540,706</b>	<b>\$ 12,646,247</b>	<b>\$ 10,669,574</b>
<b>Expenditures</b>								
Operations	\$ 1,738,737	\$ 1,409,681	\$ 1,418,441	\$ 1,692,655	\$ 1,776,102	\$ 1,817,725	\$ 1,931,256	\$ 2,471,255
Victim Services Grants	2,185,065	2,251,273	2,273,009	2,465,392	3,189,159	3,196,587	3,429,686	3,232,686
Victim Advocate Training	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
Collection Expenses	43,050	30,041	30,041	93,460	-	-	-	-
Compensation Paid	4,213,242	4,602,032	4,883,955	4,809,531	4,585,342	5,584,794	5,532,231	5,532,231
Sexual Abuse Exams	500,632	599,700	999,064	1,322,406	1,376,030	1,373,505	1,375,000	1,375,000
Transfer to Unemp. Comp.	0	0	0	0	-	-	-	-
<b>Total</b>	<b>\$ 8,710,726</b>	<b>\$ 8,922,727</b>	<b>\$ 9,634,511</b>	<b>\$ 10,413,444</b>	<b>\$ 10,956,633</b>	<b>\$ 12,002,612</b>	<b>\$ 12,298,173</b>	<b>\$ 12,641,172</b>
Ending Balance	\$ 4,232,750	\$ 3,724,727	\$ 3,844,358	\$ 3,804,040	\$ 3,463,157	\$ 1,538,095	\$ 348,074	\$ -1,971,598

## Victim Assistance Grants Account

Resources	Actual FY 2003	Actual FY 2004	Actual FY 2005	Actual FY 2006	Actual FY 2007	Actual FY 2008	Budget FY 2009	Budget FY 2010
General Fund	\$ 30,000	\$ 30,000	\$ 35,000	\$ 35,000	\$ 35,000	\$ 180,000	\$ 180,000	\$ 180,000
Income Tax Check-off	0	0	0	0	0	0	0	0
VOCA Assistance Grant	4,028,445	3,619,686	3,618,134	3,704,292	3,932,189	3,602,222	2,879,637	3,135,000
FVPSA	1,152,835	1,119,056	1,107,915	1,106,833	1,079,210	1,098,013	1,075,242	1,073,500
VAWA	1,883,784	1,775,213	1,595,423	1,504,984	1,480,607	1,350,711	1,393,190	1,399,659
Congressional Earmark	0	0	210,211	67,011	0	0	0	0
SAVIN Grant	0	0	0	0	657,175	360,214	233,000	250,000
Victim Comp. Fund	2,185,065	2,251,273	2,273,009	2,465,392	3,189,159	3,196,587	3,429,686	3,232,686
Forfeiture Fund	0	0	0	0	0	0	850,000	0
Carryover	4,751	0	0	0	0	0	0	0
<b>Total</b>	<b>\$ 9,284,880</b>	<b>\$ 8,795,228</b>	<b>\$ 8,839,692</b>	<b>\$ 8,883,512</b>	<b>\$ 10,373,340</b>	<b>\$ 9,787,747</b>	<b>\$ 10,040,755</b>	<b>\$ 9,270,845</b>
<b>Expenditures</b>								
Operations	\$ 127,491	\$ 139,455	\$ 145,883	\$ 123,462	\$ 774,362	\$ 477,672	\$ 562,345	\$ 382,345
Transfer to Comp. Fund	253,728	0	0	0	0	0	0	0
Grants	8,903,661	8,655,774	8,693,809	8,760,050	9,598,978	9,310,075	9,478,410	8,888,500
<b>Total</b>	<b>\$ 9,284,880</b>	<b>\$ 8,795,228</b>	<b>\$ 8,839,692</b>	<b>\$ 8,883,512</b>	<b>\$ 10,373,340</b>	<b>\$ 9,787,747</b>	<b>\$ 10,040,755</b>	<b>\$ 9,270,845</b>
Ending Balance	\$ 0	\$ -0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Victims served:	27,497	28,964	29,964	30,888	29,974	30,275	30,275	30,275